



Senate

General Assembly

File No. 694

January Session, 2011

Substitute Senate Bill No. 1163

Senate, May 2, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ASSAULT OF A SCHOOL EMPLOYEE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective September 1, 2011*) (a) A person is guilty
2 of assault of a school employee when, with intent to cause physical
3 injury to another person acting in the performance of his or her duties
4 as a school employee or on account of the performance of his or her
5 duties as a school employee, such person causes such injury to such
6 other person.

7 (b) For the purposes of this section, "school employee" means a paid
8 employee of a local or regional board of education or a private
9 elementary or secondary school.

10 (c) Assault of a school employee is a class A misdemeanor, except
11 that a second or subsequent offense by a person eighteen years of age
12 or older is a class D felony.

13 Sec. 2. Subdivision (11) of section 46b-120 of the general statutes is

14 repealed and the following is substituted in lieu thereof (*Effective*
15 *September 1, 2011*):

16 (11) "Serious juvenile offense" means (A) the violation of, including
17 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,
18 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a,
19 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
20 inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive,
21 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a,
22 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection
23 (a) of section 53a-122, subdivision (3) of subsection (a) of section
24 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a)
25 of section 53a-174, [or] section 53a-196a, 53a-211, 53a-212, 53a-216 or
26 53a-217b or section 1 of this act, or (B) running away, without just
27 cause, from any secure placement other than home while referred as a
28 delinquent child to the Court Support Services Division or committed
29 as a delinquent child to the Commissioner of Children and Families for
30 a serious juvenile offense.

31 Sec. 3. Subdivision (11) of section 46b-120 of the general statutes, as
32 amended by section 82 of public act 09-7 of the September special
33 session, is repealed and the following is substituted in lieu thereof
34 (*Effective July 1, 2012*):

35 (11) "Serious juvenile offense" means (A) the violation of, including
36 attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33,
37 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive,
38 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to
39 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
40 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
41 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
42 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
43 53a-166 or 53a-167c, subsection (a) of section 53a-174, [or] section
44 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b or section 1 of this act,
45 by a child, or (ii) section 53a-56b or 53a-57 by a child under sixteen
46 years of age, or (B) running away, without just cause, from any secure

47 placement other than home while referred as a delinquent child to the
48 Court Support Services Division or committed as a delinquent child to
49 the Commissioner of Children and Families for a serious juvenile
50 offense.

| | | |
|---|--------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>September 1, 2011</i> | New section |
| Sec. 2 | <i>September 1, 2011</i> | 46b-120(11) |
| Sec. 3 | <i>July 1, 2012</i> | 46b-120(11) |

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

| Agency Affected | Fund-Effect | FY 12 \$ | FY 13 \$ |
|-----------------|-----------------------------|------------------|------------------|
| Judicial Dept. | GF - Potential Revenue Gain | Less than 10,000 | Less than 10,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a class D felony for a second or subsequent assault of a school employee by a person 18 years of age or older, which will result in a potential annual revenue gain of less than \$10,000 to the General Fund. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated ten offenders annually would be prosecuted and receive harsher penalties than under current law.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

¹ In 2010, 22 convictions were made for assault in the second degree, which is classified as a class D felony, with \$2,500 in revenue collected.

OLR Bill Analysis**sSB 1163*****AN ACT CONCERNING ASSAULT OF A SCHOOL EMPLOYEE.*****SUMMARY:**

This bill establishes the crime of assault of a school employee and makes it a class A misdemeanor, except for a subsequent violation by anyone age 18 or older, which it makes a class D felony. A person commits this crime by intentionally causing physical injury to a school employee, acting in or because of the performance of his or her duties. Under other law, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor (up to one year imprisonment, a fine of up to \$2,000, or both) to a class A felony (punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both).

For purposes of this bill, a “school employee” is a paid employee of a local or regional board of education or a private elementary or secondary school, acting in the performance of his or her duties.

The bill also includes assault of a school employee as a “serious juvenile offence” (SJO).

EFFECTIVE DATE: September 1, 2011, except a technical change is effective July 1, 2012.

PENALTIES FOR ASSAULTING A SCHOOL EMPLOYEE***Misdemeanor and Felony Violations***

The bill makes the penalty for assaulting a school employee up to one year imprisonment, a fine of up to \$2,000, or both (a class A misdemeanor) for (1) a first offense for a person age 18 or older or (2) any offense by a person under age 18. The bill imposes a penalty of one to five years imprisonment, a fine of up to \$5,000, or both (a class D felony) on anyone who is 18 or older and commits a second or

subsequent violation.

Serious Juvenile Offenses

The bill adds assault of a school employee to the list of crimes that are designated a serious juvenile offense. By law, SJOs are punishable by up to a four-year commitment to the Department of Children and Families, with the possibility of an extension (the delinquency commitment period would otherwise be up to 18 months with the possibility of an extension). In addition, they result in penalties on offenders such as (1) prohibiting them from obtaining a pistol permit, (2) preventing them from being released from jail on a promise to appear, (3) barring them from certain court diversion programs, and (4) delaying the date on which their juvenile records can be erased.

BACKGROUND

Related Bills

sSB 1139 (File 312) (1) imposes a \$500 to \$2,500 fine on principals who fail to report to the local police student assaults on teachers and school employees and (2) requires such principals to participate (at their own expense) in an education and training program that the Department of Education commissioner must establish.

sHB 6638 (File 619) adds 1st and 2nd degree strangulation and home invasion to the list of SJOs. It removes from the list 2nd degree manslaughter with a firearm, 2nd degree hindering prosecution, 2nd degree manslaughter with a motor vehicle, and misconduct with a motor vehicle.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 6 (04/15/2011)